

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55729 of 2016

Arising Out of PS.Case No. -241 Year- 2016 Thana -FATUHA District- PATNA

- =====
1. Kapil Yadav @ Kapildev Yadav @ Kapildev Singh, Son of Late Ram Lakhan Singh, @ Late Lakhan Yadav.
 2. Shashi Yadav, @ Shashi Kumar, son of Kapil Yadav @ Kapildev Singh. Both Resident of Railway Colony, P.S. Fatuha, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-01-2017 Heard learned senior counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Fatuha P.S. Case No.241 of 2016 registered under Sections 147, 447, 448, 341, 323, 379, 427, 506 and 307 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on 16.06.2016 at about 01.00 P.M. when the informant Yugal Prasad reached his house from Civil Courts, Patna City, Patna, then he saw the petitioners alongwith 10-12 unknown committing loot in his house. At that time, the petitioner no.1 Kapil Yadav alias Kapildev Yadav alias Kapildev



Singh took ornaments worth Rs.1,50,000/- by breaking the almirah whereas his son Shashi Yadav alias Shashi Kumar (petitioner no.2) snatched the gold chain from the neck of the sister-in-law of the informant. At that time, all made firing and also torn the clothes of the informant.

Submission on behalf of the petitioners is that, in fact, the informant, who is Advocate, is son of Rambabu Singh alias Rambabu Gope and Nawal Singh, the brother of the informant, is Ward Councillor. On 16.06.2016, Nawal Singh, the brother of the informant, and his other family members reached at the site of the petitioner no.1 where the work was being done and made demand of ransom and also indulged in scuffling with him and also threatened him of dire consequences in case of non payment of ransom. Thereafter, on the basis of the written report of the petitioner no.1, Fatuha P.S. Case No.239 of 2016 on 16.06.2016 was instituted at about 10.15 A.M. against Nawal Singh and others. Again, the informant of the present case and his other family members at about 02.00 P.M. reached at the house of the petitioners due to non payment of ransom and started to pelting bricks and stones causing injury to Munshi of the petitioner no.1 and also made firing but no one sustained injury regarding which Fatuha P.S. Case No.240 of 2016 was instituted on 16.06.2016 at



about 03.30 P.M. on the basis of the written report of the petitioner no.1 against the informant and his other family members. Due to that reason, the informant of the present case, lodged the present case with false allegation of committing loot at his house against the petitioners, who are father and son, with the help of 10-12 unknown. Further submission is that while there is allegation of making firing against the petitioners and others but no one sustained firearm injury. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six week from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Patna City, Patna, in connection with Fatuha P.S. Case No.241 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

